

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

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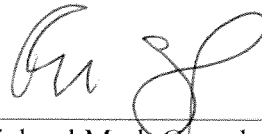
Anthony Dennis Tesolowski,)	
)	
Plaintiff,)	Civil Action No. 9:15-2540-RMG
)	
vs.)	
)	
Carolyn W. Colvin, Acting Commissioner)	ORDER
of Social Security Administration,)	
)	
Defendant.)	
)	
_____)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation on June 22, 2016, recommending that the decision of the Commissioner be reversed and remanded because the ALJ's failure to (1) evaluate properly and consider Plaintiff's headaches; (2) make a proper assessment of Plaintiff's 100% VA disability rating; and (3) consider Plaintiff's limitations in concentration, persistence and pace under the standards of *Mascio v. Colvin*, 780 F.3d 632, 638 (4th Cir. 2015). (Dkt. No. 23). The Commissioner has filed a response to the Magistrate Judge's Report and Recommendation indicating that she will file no objections. (Dkt. No. 25).

The Court has reviewed the Report and Recommendation and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter.

Therefore, the Court **ADOPTS** the Report and Recommendation (Dkt. No. 23) as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.¹

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
July 13, 2016

¹ On remand, the Plaintiff is permitted to supplement the record with additional information to establish the basis of the VA's disability rating. *See*, Dkt. No. 17 at 39 n. 8. If such additional evidence is provided, the Commissioner is directed to reconsider her VA disability finding.